IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11429 of 2004

Between:

N.Sambamurthi S/o.Satyanarayana
R/o.Gollaveedhi Main Road, Salur, Vizianagaram District.

..... PETITIONER

AND

1 The Secretary A.P..R.E.I Society, 3rd Floor Gaganvihar, Nampally, Hyderabad.
2 The Vice-Chairman, APREI Society (Regd), Gaganihar Nampally, Hyderabad-1

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of a writ of mandamus or any other appropriate writ, direction, order or orders declaring the action of the respondents in not playing the retirement benefits and pension and paying only provisional pension to the petitioner as wholly arbitrary illegal and void and pass orders.

Counsel for the Petitioner: MR.M.P.CHANDRAMOULI

Counsel for the Respondent No.: MR.VIJAYA BHASKAR MOOLA

The Court made the following Order:

Heard both sides and at their request, the writ petition is taken up for disposal at the stage of admission.

The present writ petition is filed aggrieved by the action of the respondents in not passing any appropriate orders with regard to the grant of retirement benefits and pension, but granted only provisional pension to the petitioner.

The learned counsel for the petitioner contended that no case is pending against the writ petitioner and therefore, fixing the provisional pension and withholding other pensionary benefits is clearly in violation of law. Hence, he prays to give a direction to the respondents to pass appropriate orders with regard to fixing the pension and other monetary benefits to the petitioner.

The learned counsel appearing for the respondents contended that the case of the petitioner will be considered as per the rules of the respondent-Society.

Admittedly, the provisional pension has been fixed and is being paid to the petitioner on the ground that a criminal case is pending against him. But, according to the learned counsel for the petitioner, no criminal case is pending against the writ petitioner. Whether the petitioner is entitled to full pension and other monetary benefits have to be decided by the respondent-Society. Therefore, a direction can be given to the respondents-Society to consider the same.

The writ petition is accordingly disposed of directing the respondents to consider the

case of the petitioner in fixing the pension and also about the payment of other retirement benefits as per the rules governing the service conditions of the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order. In the circumstances, no costs.

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13-07-2004

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To

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